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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,144	05/14/2007	Dominique Marchal	10191/4466	8749
26646 7590 04/02/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER LA, ANH V				
ART UNIT 2612		PAPER NUMBER		
MAIL DATE 04/02/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,144

Applicant(s)

MARCHAL, DOMINIQUE

Examiner

Anh V. La

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date 11/19/07, 9/18/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmeen (US 2004/0114381).

Regarding claim 11, Salmeen discloses a method for improving a visibility in a motor vehicle, comprising illuminating an area by at least one light source 32 of the motor vehicle; producing a sensor signal by at least one infrared sensor 16 of the motor vehicle when a person is situated in the area illuminated by the light source; and controlling the light source dependent on the sensor signal (abstract).

Regarding claim 12, Salmeen discloses the at least one light source including at least one of (a) a headlamp that illuminates at least in a near-infrared wavelength range, (b) a laser and (c) at least one laser diode that emits light at least in the near-infrared wavelength range (paragraph 003).

Regarding claim 13, Salmeen discloses producing sensor signals by at least one of (a) at least one ultrasound sensor, (b) at least one radar sensor that operates in at least one of the following wavelength ranges: 24GHz and 77GHz, and (c) at least one video sensor (p. 33-35).

Regarding claim 14, Salmeen discloses at least one of deactivating and activating the light source dependent on the sensor signal (see figures 1-6).

Regarding claim 15, Salmeen discloses the light source being controlled dependent on the sensor signal in such a way that at least one of a spatial and temporal intensity of light of the light source assumes a value that is not dangerous to persons (abstract, fig. 1-6).

Regarding claim 16, Salmeen discloses warning at least one present person by at least one of an acoustic and optical warning signal (p. 31).

Regarding claim 17, Salmeen discloses the sensor signal for controlling the light source is derived from the signal of the infrared sensor and from a signal of at least one additional sensor (p. 33-35).

Regarding claim 18, Salmeen discloses the infrared sensor being constructed in such a way that its detection area completely includes a beam of the light source, and its detection range is greater than a distance from the light source that results in eye damage (p. 33-35).

Regarding claim 19, Salmeen discloses a device for improving a visibility in a motor vehicle, comprising at least one light source 38 of the motor vehicle, the light source illuminating an area of illumination (p. 31); at least one infrared sensor 16 of the motor vehicle, the sensor producing a sensor signal when a person is situated in the area illuminated by the light source (p. 33-35); and at least one control unit 18 controlling the light source as a function of the sensor signal (abstract).

Regarding claim 20, Salmeen discloses the device being used in a night vision system in the motor vehicle (fig. 1-6).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Remillard, Shaffer, and Weber disclose lighting systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anh V La/
Primary Examiner, Art Unit 2612

Anh V La
Primary Examiner
Art Unit 2612

AI
March 29, 2009